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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,754	02/12/2001	David Leigh Donoho	UNIV0001C	1053

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT PAPER NUMBER

2154

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/782,754

Applicant(s)

DONOHU ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-16 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ferguson et al. (5,649,186) (hereinafter Ferguson).

4. As per claims 1 and 8, Ferguson discloses a communications system (col 1, lines 6-10), comprising:

an advice provider which broadcasts information over a communications medium (col 3, lines 39-60, news feed);

an advice consumer for gathering said broadcast information from said communications medium (col 4 lines 61-63 and col 5, lines 15-45); and

a reader associated with said advice consumer for determining relevance of said broadcast information (col 4 lines 60-65 and col 5, 1-25);

wherein said advice consumer is advised of said information only if said information meets certain predetermined relevance criteria (fig 5,col 5, lines 1-14 and col 5, lines 15-45).

5. As per claim 2, Ferguson discloses wherein said reader further comprises: means for providing relevant information to said advice consumer without revealing any aspect of said advice consumer's identity to said advice provider (col 3, lines 39-67 and col 6, lines 61-65 and col 7, lines 1-5).

6. As per claim 3, Ferguson discloses wherein relevance of said information to said advice consumer is based upon any of the properties of an advice consumer's computer, said computer's contents or state, or the properties of a local environment associated with said computer (col 5, lines 1-46).

7. As per claim 4, Ferguson discloses wherein said advice consumer maintains anonymity, privacy, and security by not revealing to said advice provider either that said advice consumer is provider, that said advice

consumer has received any particular message, or that said information is relevant to said advice consumer (col 5, lines 1-46 col 6, lines 35-61).

8. As per claim 5, Ferguson discloses wherein said information being broadcast may consist of any of humanly interpretable content, data, or software tools (col 3, lines 39-60).

9. As per claim 6, Ferguson discloses wherein said advice provider specifies an audience for whom said information is potentially relevant by referring to properties of an advice consumer which are used to determine the relevance of said information to said advice consumer (col 3, lines 39-67 and col 4, lines 60-67).

10. As per claim 7, Ferguson discloses communications method, comprising the steps of:

preparing a message at an advice provider location (col 1, lines 53-55, template);

broadcasting said message to potential advice consumers anonymously using a network (col 1, lines 53-67, and col 3, lines 39-60);

processing said message at an advice consumer location (col 1, lines 53-67, and col 3, lines 39-60);

determining whether said message is relevant to said advice consumer (col 1, lines 53-67, and col 3, lines 39-60);

wherein said message is broadcast to advice consumers to whom it is relevant without requiring that said advice consumers divulge their identity or attributes to said advice provider (fig 5, col 5, lines 1-14 and col 5, lines 15-45).

11. As per claim 9, Ferguson discloses further comprising: an advice reader associated with an advice consumer computer for performing relevance determination (col 4, lines 60-65 and col 5, 1-25).

12. As per claim 10, Ferguson discloses wherein relevance determination is automatically performed based on a combination of conditions, including any of hardware attributes, configuration attributes, database attributes, environmental attributes, computed attributes, remote attributes, timeliness, personal attributes, randomization, and advice attributes (fig 3, col 5, lines 1-14 and col 5, line 46-67, and col 6, lines 1-35).

13. As per claim 11, Ferguson discloses wherein said advice reader operates automatically to determine relevance (col 3, lines 39-67 and col 4, lines 6-60).

14. As per claim 12, Ferguson discloses said advice reader comprising:
a gatherer for gathering advisories to which said advice consumer subscribes (col 1, lines 50-67);

a subscription manager for entering subscriptions to advisories based on information in at least one advice consumer site definition file (col 2, lines 50-67);

an unwrapper for parsing said advisories (col 1, lines 50-67);

a module for determining the relevance of said advisories, said determination being made either continuously, at scheduled intervals, or under user manual control (col3, lines 10-67, dynamically processing include time);

a user interface that receives relevant advisories (fig 5); and

a display and management system that displays relevant advisories for inspection by said advice consumer (fig 5).

15. As per claim 13, Ferguson discloses wherein any information that is actually on an advice consumer computer or reachable from said advice consumer computer may be used to determine relevance (col 3, lines 39-67 and col 6, lines 60 -67, and col 7, lines 1-10).

16. As per claim 14, Ferguson discloses wherein said advisories comprise:
digital documents which contain an explanatory component describing in terms said advice consumer can easily understand the reason that said advisory is relevant and the purpose and effects of the action which is being recommended to said advice consumer (col 1, lines 50-67 and col 3, lines 39-67)).

17. As per claims 15-16, claims 15-16 have similar limitations as claims 8-14. Therefore they are rejected under Ferguson for the same reasons set forth in the rejection of claims 8-14.

Response to Arguments

18. Applicant's arguments filed 07/22/2004 have been fully considered but they are not persuasive, therefore rejections to claims 1-16 is maintained.

19. In the remarks, applicants argued that:

a. Ferguson fails to teach or suggest, "an advice consumer for gathering said broadcast information from said communications medium; and a reader associated with said advice consumer for determining relevance of said broadcast information";

- b. Ferguson further fails to teach or suggest, " broadcasting said message to potential advice consumers anonymously using a network; processing said message at an advice consumer location;"
- c. Ferguson also fails to teach or suggest, "an advice consumer for receiving said advisories; wherein advisories are broadcast over said communications network from said advice provider to said advice consumer;"
- d. Finally, Ferguson fails to teach or suggest, " a gatherer for assuring that relevance clauses flow into said advice consumer computer from various locations; a watcher from evaluating relevance clauses".

20. In response to applicant's argument (a), examiner respect fully disagrees. Ferguson teaches an advice consumer for gathering said broadcast information (e-mail, col 5, lines 15-19) from said communications medium (infobot processing means an automatic response to an e-mail or web inquiry used to provide additional information about a products or services, 302, fig 3, col 4 lines 61-63 and col 5 lines 15-45); wherein said advice consumer (particular base of knowledge, col 2, lines 56-58) is advised of said information only if said information meets certain

predetermined relevance (col 6, lines 6-10) criteria (fig 5,col 5, lines 1-14 and col 5, lines 15-45).

21. In response to applicant's argument (b), examiner respect fully disagrees. Ferguson teaches preparing a message at an advice provider location (data is parsed, stored, indexed and delivered in the from of HTML pages, col 1, lines 53-55 and col 1, lines 64-67); broadcasting said message to potential advice consumers anonymously using a network (data is parsed, stored, indexed and delivered in the from of HTML pages, col 1, lines 53-67, and col 3, lines 39-60); processing said message at an advice (particular base of knowledge, col 2, lines 56-58) consumer location (col 1, lines 53-67, and col 3, lines 39-60); determining whether said message is relevant (col 6, lines 6-10) to said advice consumer (col 1, lines 53-67, and col 3, lines 39-60).

22. In response to applicant's argument (c), examiner respect fully disagrees. Ferguson teaches an advice consumer for receiving said advisories (infobot processing associated with particular base of knowledge, col 2, lines 4-7).

23. In response to applicant's argument (d), examiner respectfully disagrees. Ferguson teaches a gathering for assuring that relevance clause (col 6, lines 4-10) flow into said advice consumer computer from various location (302, fig 3, col 6, lines 61-67), a watcher for evaluating relevance clause (404,418,fig 4, col 6, lines 4-10), a notifier for displaying messages to an advice consumer (most current document at the top of the result set, 116, fig 4, col 6, lines 6-24). Actors, referred to herein as advice providers, author advisories, which are specially structured digital documents which may contain (6, 3,2,4,fig 3, as it is described in the specification).

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

A handwritten signature in black ink, appearing to read "N. E. Hadley", with a long, sweeping underline.